

Title:

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What do you want Ofcom to keep confidential?:

Keep nothing confidential

If you want part of your response kept confidential, which parts?:

Ofcom may publish a response summary:

Yes

I confirm that I have read the declaration:

Yes

Ofcom should only publish this response after the consultation has ended:

You may publish my response on receipt

Additional comments:

Question 1: Do you agree that copy management would broaden the range of HD content available on DTT and help secure its long term viability as a platform? :

I do not agree with this statement. Standard Freeview broadcasts are equivalent to DVD quality material, and are freely available without DRM. This doesn't seem to have affected

the broadcast of new content on Freeview. High Definition material on Freeview HD will be lower quality than the equivalent Blu-Ray (as Blu-Ray can contain 1080p material, whereas Freeview HD can only contain 1080i material, meaning it is effectively half the quality). Therefore I can see no reason why when standard Freeview does not use DRM that Freeview HD should use DRM.

A viable long term platform can be obtained through several different ways, either by ensuring market dominance, or by ensuring open standards and content. The latter option ensures that the content delivered by the platform is resistant to changes in device as open content can be transferred to new systems when the original is obsolete. E.g. if I recorded a Freeview HD programme now, and my DVR box breaks in 5 years time and a new technology has replaced Freeview, then I have effectively lost that content if I cannot find an old piece of hardware to read it.

Question 2: Do you agree that the BBC's proposed multiplex licence amendment represents the most appropriate means for securing an effective content management system on HD DTT? :

If you wish to put a content management system onto HD DTT then securing the EPG will not stop people from copying the content. It will ensure that the manufacturers of DVRs put content management systems onto their products but it will still be possible to use a digital receiver attached to a computer without a content management system and simply recording content off the air without using the EPG. Additionally using a computer it will still be possible to replace the EPG by taking content from internet sites such as www.radiotimes.com thus rendering the obstruction useless.

All previous content management systems have failed to secure media systems, so any system added to HD DTT will eventually fail, and thus only provides a limit on what legitimate users can do with content they acquired legally. It will make no difference to people who acquire content illegally as they will have no restrictions.

Question 3: Do you agree with the proposed change to Condition 6 in the Multiplex B Licence? :

No. The BBC is a public service broadcaster paid for by the license fee, it should not produce content which is encrypted as this prevents people who have funded the BBC from using the content.

Question 4: Do you agree that Multiplexes C and D should be granted a similar amendment to their Licences as Multiplex B?. :

No. Multiplexes C and D do not currently handle HD content and thus have no reason to have DRM, as the lack of DRM has not impeded the availability of content on Freeview. If they are upgraded to carry HD content then provided no publicly funded content (such as the BBC and C4) is carried on these service then I have less objection as I have not already paid for the creation of this content.

Question 5: Do you agree that the BBC's proposed approach for implementing content management would safeguard citizens and consumers

legitimate use of HD content, and if not, what additional guarantees would be appropriate? :

There is no guarantee that under the BBC's proposed approach that the publicly funded content that the BBC broadcasts would be placed under the most relaxed content management system (i.e. the unrestricted copies option). Content the BBC has secured such as films, and shows bought in from other providers (where the BBC did not fund the production) could be placed under a more restrictive content management system as it will be more difficult to secure this content.

If this system must be implemented then I would like a guarantee that all content funded by the BBC is placed under the most relaxed content management system as this content has already been paid for by the viewer and should not be restricted.

Question 6: Do you agree that the BBC's proposed choice of content management technologies will have only a negligible impact on the cost of HD DTT receivers and their interoperability with other HD consumer equipment? . :

I agree that the choice of technologies would have a negligible impact on the price of receiving equipment. It would impact on the interoperability of HD equipment which runs through a PC system and possibly on the range of equipment as many receivers run on versions of Linux which has an Open Source license which restricts the use of copyrighted code in its kernel.

Question 7: Do stakeholders agree that the BBC's proposed Huffman Code licensing arrangements would have a negligible effect on the market for HD DTT receivers? :

I agree that it would have a negligible effect on the market for HD DTT receivers, though the problem of Linux licenses raised in the consultation document is not adequately addressed. Any code which contains code from the Linux kernel or GNU Project is required by law to be freely available, and provided with anything which contains the compiled code (i.e. any chips inside the receiver). This could cause the Huffman code used to be made freely available, thus immediately defeating the point of the licensing and content management system. Companies in general are reticent to release the source code even if required, and some manufacturers may not be aware that the lack of a source release is legally enforceable.

Question 8: Do the BBC's proposed content management states and their permitted use for different categories of HD content meet the requirements of other HD broadcasters on DTT? . :

The proposed content management states are acceptable, but I refer to my answer for Question 5, as to the lack of a guarantee that all publicly funded content be released under the most relaxed content management rules. Section 5.32.1 implies that the first broadcast of all BBC content will use the most restrictive "Managed Copy" state, which is unfair.

Question 9: Are there any issues that you consider Ofcom should take into account in assessing the BBC's proposal, that have not been addressed by this consultation?:

The questions asked in this consultation are biased heavily in favour of acceptance. All of them are formulated as "Do you agree ..." rather than "What is your opinion of ...", which biases people towards accepting the statement.

A more broad consultation on the possibility of encryption rather than its actual implementation would be good. (Though if this has already occurred then it was not widely publicised.)